Potitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

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This matter comes before the Zoning Commissioner as Petitions for Special Hearing and Variance for the property known as 401 Quaker Bottom Road in the Quaker Hills subdivision of northern Baltimore County. The Petitions were filed by the owners of the subject property, Michael A. and Regina M. Greaver. Within the Petition for Special Hearing, approval is sought for an in-law apartment on the subject property, zoned R.C. 5, and to amend the final development plan of Quaker Hills, Section 1, accordingly. Within the Petition for Variance, the Petitioners request relief from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit lot line setbacks of 43' and 48'6" in lieu of the required 50 feet for a proposed addition. The relief requested is more particularly described on Petitioner's Exhibit 1, the plat which accompanied the Petitions filed.

Appearing at the public hearing held for this case was Michael A. Greaver, property owner. He was not represented by Counsel. Appearing in opposition to the request was Kenneth T. Bosley, who resides in the vicinity of the subject property, and his son, K. Webster Bosley.

Testimony indicated that the subject property, known as 401 Quaker Bottom Road, consists of 4.476 acres, more or less, zoned R.C. 5 and is improved with a single family dwelling. Said property is also known as

Lot 1 of Quaker Hills, which was once part of a large farm and has since been subdivided for residential development. The western portion of Lot 1 abuts Interstate 83, the Baltimore-Harrisburg Expressway. Vehicular access to the site is from Quaker Bottom Road, which eventually intersects York Road, not far from the property. Presently, Mr. Greaver and his family reside in the dwelling which was constructed on the property approximately 6 Years ago. Mr. Greaver is the original owner. The Petitioners are desirous of constructing a 40' x 21'4" one-story addition on the east side of the existing dwelling to provide living quarters for Mrs. Greaver's parents and her grandmother. The proposed addition will consist of approximately 840 sq.ft. and contain two bedrooms, a bathroom, living room and kitchen area. There will also be a basement level which will be used for storage purposes and to house the HVAC system. There will be no access from the proposed addition to the existing dwelling. Mr. Greaver noted that his in-laws presently reside in Essex and that they are in their 60's and semi-retired. Mrs. Greaver's grandmother is in her 90's and not in good health. Mr. Greaver believes that the proposed addition is appropriate so as to provide he and his wife with an opportunity to care for her family as the need arises. In his view, construction of the proposed addition will not be detrimental to the property or surrounding locale. Thus, he requests approval of the Petition for Special Hearing so as to

As to the variances, they are necessary due to the proposed location of the addition. The addition will be 48'6" from the property line on the east side and 43' from the rear property line. These appear to be minor variances from the 50' requirement. Mr. Greaver testified that the addition must be placed on that wing of the dwelling where proposed so as

permit the apartment use.

to preserve the architectural integrity of the house. Moreover, the placement of the septic system and natural topography of the site mandate placement of the addition where proposed.

he is concerned over an increase in density in this rural residential area. As noted at the hearing, the proposed occupants of the in-law apartment are all family. They are all related by blood and/or marriage. Construction of the proposed addition does not change the use of this property into a multi-family dwelling.

As to Mr. Bosley, he does not object to the variances; however,

Based on the testimony and evidence presented, I am persuaded that the Petition for Special Hearing should be granted. The evidence is clear that the proposed addition will not be detrimental to the health, safety or general welfare of the surrounding community. Moreover, I am convinced that the proposed in-law apartment will not change the residential/rural character of this neighborhood and community. However, as is the case in many similar requests, I shall impose restrictions on my approval to limit the future use of this property and safeguard the community. That is, the proposed apartment use shall be limited to the occupants identified herein. It is my intent that the apartment be utilized strictly as an in-law use and not as a public rental unit. Moreover, upon the death or relocation of the last of the occupants, the right to use and maintain the apartment as such shall be forfeited. At that time, the kitchen facilities shall be removed and interior access to the main dwelling provided. Moreover, these restrictions shall be incorporated in a deed to be recorded among the land records of Baltimore County so that potential owners are aware of the nature of the relief granted herein.

And to the variables respected. I am likewise personaled transfer they should be granted. Destion 30% of the B.C.E.E. provides that we wrom warfance may be granted upon the answering that the betatering word notice. printingal difficulty if name is defined. I am persiaded on this contact we based upon the operantradicted testimony that the betitelder on met had burden. Moreover, the granting of the variable sequented will be evalua--tent, with the opinit and intent of the field \hat{x}_i and \hat{y}_i , wi technique. tal to the nurrounding legace.

Pursuant to the advertisement, posture of the property and quities hearing on these Petitions held, and for the rearrange started above, the special hearing and variance restet compt should be granted,

THEREFORE, IT IS ORDERED by the Zonling Committee for hear trained County this Branday of October, 1991 that the Relation for Special Reservan ing requesting approval of an ib-law apartment on the object property, zoned R.C. 5, and to amend the final development plan of Plaker William. Section 1, accordingly for a proposed addition, in accordance with Getitioner's Exhibit 1, be and in hereby GMAN(ED; and,

IT IS FURTHER ORDERED that the Betlition for Variable regienting relief from Section 1A04.3.8.3 of the Baltimore County Monday Requisition, (B.C.Z.R.) to permit lot line setbacks of 4th and 45'6" to line the required 50 feet for a proposed addition, in accordance with her timber's Exhibit I, be and is hereby GRANTED, subject to the following restrictions:

> The Petitioners may apply for their building. permit and be granted some upon receipt of this trace; however, Petitioners are nevely made aware that proceeding at this time is at their own risk until sign time as the 30-day apportate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted berein small be rescinded.

2) Pursuant to Section 502.2 of the B.C.Z.R., a new deed incorporating a reference to this case and the

restrictions and conditions set forth herein shall be recorded among the Land Records of Baltimore County within sixty (60) days of the date of this Order. A copy of the newly recorded deed shall be forwarded to the Zoning Administration Office for inclusion in the case file, prior to the issuance of any occupancy permits.

3) The relief granted herein is limited to an in-law apartment for the occupants identified within this Order. Upon the death or relocation of the last of the three occupants of the in-law apartment, the kitchen facilities shall be removed from the addition and access provided to the main dwelling. At no time shall the subject apartment be utilized as a public

4) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Zoning Commissioner

for Baltimore County

LES:bjs

rental unit.

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

October 15, 1993

(410) 887-4386

Mr. & Mrs. Michael A. Greaver 401 Quaker Bottom Road Sparks, Maryland 21152

Suite 113 Courthouse

Towson, MD 21204

400 Washington Avenue

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE SW/S Quaker Bottom Road, 100' E of the c/l of the Baltimore/Harrisburg Expressway (I-83) (401 Quaker Bottom Road) 8th Election District - 3rd Councilmanic District Michael A. Greaver, et ux - Petitioners Case No. 94-83-SPHA

Dear Mr. & Mrs. Greaver:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Zoning Commissioner

for Baltimore County

cc: Mr. Kenneth T. Bosley P.O. Box 585, Sparks, Md. 21152

> Mr. K. Webster Bosley P.O. Box 927, Pine Valley, Ca. 91962 People's Counsel

Petition for Special Hearing to the Zoning Company to the Zoning Commissioner of Baltimore County for the property located at 401 Quarter Corrow for #1
which is presently zoned RC-5

This Petition shall be filed with the Office of Zoning Administration & Development Management The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County. to determine whether or not the Zoning Commissioner should approve

> and amend the Final Development Plan of Quaker Hills , Section I.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Leusee:		Logal Owner(s)
(Type or Print Name)		(Type or Print Name)
Signature		Signature 1. Smaller
Address		(Type or Print Name)
City	State Zipcods	Signature J. W. Carrer
Atturney for Petitioner.		Address OCHKER BOTTON ACT 211
(Type or Print Name)		City State Process Name, Address and phone number of representative to be contacted.
Signature		Name
Address	Phone No.	Address Phone No.
City	State Epricate	OFFICE USE ONLY ESTIMATED LENGTH OF HEARING unavailable for Hearing
-	Natural Westernament Printers	the following dates //27 Next Two Months
A 'y		REVIEWED BY: TOTAL DATE 8/20/83

86 Petition for Variance to the Zoning Commissioner of Baltimore County for the property located at which is presently sound This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached The undersigned, legal owner(s) or the property situate in California (AO4 3. 8.3 For point) hereto and made a part hereof, hereby petition for a Variance from Section(s) 1AO4 3.8.3 For point, for form line setbacks of 43' and 48 6" in lieu at 50"

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons, undicate hardship or practical difficulty)
7.40 ADDITION OF THE PAYLOW QUARTERS PROPERTY IS ONE TO THE FOUNDS HEATTY & PAROSINITY OF A GUARDINARY Asso, THE CECKIONS HOWLY OF ONE KHANNES TO JAKE THE THE NEERS OF THOMSEXIES & OUR GENERALT AS OUR MINE Property is to be posted and advertised as prescribed by Zoning Regulations. Lor we, agree to pay expenses of above Variance advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County

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I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the

Beginning on the southwest side of Baker Bossom Road, Sitty feet wile, at the distance not 100 feat east of the contestion of the Butto. Harrisburg Expressuay. Being Lot 1 of the Braker Hills Scholision, Plat Book 46, Folio 140, Containing 4.476 acro. Also known as 401. Beater Bottom Road, in the 8th Election Bistrict

NOTES: (1) Hearings are Handi-capped Accessible; for special ac-commodations Please Catt 887-3353. (2)For information concerning the File and/or Hearing, Please Call 887-3391.

ONING DEPARTMENT OF BALTIMORE COUNTY 91-53-5744

Posted for Special Heaving & Mexicanes Petitioner: Michael & Reginia 6 yeaver Location of property: 1201 PROTES BOTTOM RA, SWES & F/S RAFES Location of Signer France 200 dury on property of Patitioners Ported of driveway entroves Posted by 111 Finally Date of return: 1/11/93

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of _____ successive weeks, the first publication appearing on Sept. 2. 19 93

THE JEFFERSONIAN.

Zoning Administration to Development Management 111 West Chesapeake Avenue

Date 5/20/45

Item # 86 Taken In By: mill

Michael A. Greaver 401 Quaker Button C.C.

010- Res LAR. 030 Per Spec House - 450.00 680 - 2 signs 11 70,00

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Please Make Checks Payable To: Baltimore County PA CODE:47FM08 20-93

Office of Zonn & Administration. and becalleguesed Matagernant

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Towson, MD 21266 200100 HEAPING ADVERTITING AND POST OF REQUIREMENTS & PROJECT OF SECTIONS OF PROJECT OF SECTIONS OF PROJECT OF SECTIONS O

Baltimore County Zoning Regulations require that notice be given to the general public/heighboring property owners relative to property which is the subject of an upcoming zoning hearing, for thuse peritions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a potice in at least one newspaper of general circulation in the County.

This office will enouge that the regal requirements for positing and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLIZHER:

1) Posting feet wall be accessed and paid to this office at the

2) Billing for legal advertibling, due apon receipt, will some from and should be remitted directly to the newspaper. NOW-PAYMENT OF ADVERTICING FREE WILL STAT TORUMNE OF TORING SCORE.

For newspaper advertising: Item No.: 86 Petitioner: Michael A Greeve Location: 401 Quaker Bollow Rel PLEASE FORWARD ADVERTISING BILL TO:

NAME: Michael A. Grane ADDRESS: 401 Ganter Ballon Rel

Spacks, my 21152 PHONE NUMBER: 271-4616

(Perised 04/09/93)

TO: PUTUXENT PUBLISHING COMPANY September 2, 1993 Issue - Jeffersonian

Please foward billing to: Michael A. Greaver 401 Quaker Bottom Road Sparks, Maryland 21152 410-771-4616

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-83-SPHA (Item 86) 401 Quaker Bottom Road

Corner SM/S Quaker Bottom Road, E/S Baltimore-Harrisburg Expressway 8th Election District - 3rd Councilmanic Petitioner(s): Michael A. Greaver and Reginia M. Greaver

HEARING: WEDNESDAY, OCTOBER 6, 1993 at 2:00 p.m. in Rm. 118, 0ld Courthouse. Special Hearing to approve an in-law apartment and amend the Final Development Plan of Quaker Hills,

Section I. Variance to permit lot line setbacks of 43 feet and 48 feet, 6 inches in lieu of 50 feet.

LAWRENCE E. SCHMIDT ZONING COMMISSIONER FOR BALTIMORE COUNTY

WOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353. (2) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government Office of Zoning Administration and Development Management



(410) 887-3353

AUGUST 27, 1993

111 West Chesapeake Avenue

Towson, MD 21204

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-83-SPHA (Item 86) 401 Quaker Bottom Road Corner SW/S Quaker Bottom Road, E/S Baltimore-Harrisburg Expressway 8th Election District - 3rd Councilmanic Petitioner(s): Michael A. Greaver and Reginia M. Greaver HEARING: WEDNESDAY, OCTOBER 6, 1993 at 2:00 p.m. in Rm. 118, Old Courthouse.

Special Hearing to approve an in-law apartment and amend the Final Development Plan of Quaker Hills, Variance to permit lot line setbacks of 43 feet and 48 feet, 6 inches in lieu of 50 feet.

cc: Michael A. Greever

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE. (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353. (3) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Baltimore County Government Office of Zoning Administration and Development Management

111 West Chesapeake Avenue Towson, MD 21204



September 27, 1993

(410) 887-3353

•

Mr. and Mrs. Michael A. Greaver 401 Quaker Bottom Road #1

> RE: Case No. 94-83-SPHA, Item No. 86 Petitioner: Michael A. Greaver, et ux Petition for Special Hearing

Dear Mr. and Mrs. Greaver:

Sparks, Maryland 21152

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on August 20, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without



O, James Eighthizer Georgian/ Hal Kassoff Administrator

Ms. Helene Kehring Zoning Administration and Development Management County Office Building Room 109 111 W. Chesapeake Avenue Towica, Maryland 21204

Re: Baltimore County
Item No.: of Sign (1977)

Dear Ms. Kehring: This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-3350 if you have any questions.

Thank you for the opportunity to review this item. Very truly yours,

John Contestabile, Chief

Engineering Access Permits Division

My telephone number is Teletypewriter for Impaired Hearing or Speech 383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free 707 North Calvert St., Baltimore, Maryland 21203 0717

Printed with Soybean Ink

the necessity of a preliminary review by zoning personnel.

Ortober 6, 1793 COUNTY, MARYLAND BALTIMORE COUNTY, MARYLAND 21M. WED PLEASE PRINT CLEARLY PROTESTANT(S) SIGN-IN SHEET N - COFFICE CORRESPONDENCE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT INTER-OFFICE CORRESPONDENCE DATE: August 30, 1993 $-m x_1 = -x_1 m + x_2 + 3 x_1 m + 3 x_2 m + 3 x_3 m + 3 x_4 m + 3 x_5 m +$ The state of the s The state of the s September 8, 1993 Mr. Arnold Jablon, Director Zoning Administration and prince of the second coming Development Management J. Lawrence Pilson 1-300 497-0967 a Advisory Committee Development Coordinator, DEPRM KENNETH T. BOSLEY Box 585 SUBJECT: Zoning Item #86, Greaver Property 401 Quaker Bottom Road 3PARKS, MD - 21152 Zoning Advisory Committee Meeting of August 30, 1993 the following petition(s): 77, 78, 81, 82, 84, 86, 87 and 88. The Department of Environmental Protection and Resource Management offers restions or if this office can provide additional trey Long in the Office of Planning at 887-3480. the following comments on the above-referenced zoning item. An additional absorption trench will be required for the septic system if the proposed addition is approved. Applicant may contact Thomas Ernst of Ground Water Management at 887-2762 for more information. JLP:sp GREAVER/DEPRM/TXTSBP $\mathcal{N} = \mathcal{N} \cup \mathcal{N}$. ∖Phinled with Soybean lok : Plat to accompany Petition for Zoning Variance Special Hearing

PROPERTY ADDRESS: 401 Quaker Bottom Row see pages 5 & 6 of the CHECKLIST for additional required Information

Subdivision name: Quaker Hulls

plat book# 46 , folio# 140 , lot# 1 , section# M/A

| Belf. , |

LOCATION INFORMATION

Councilmanic District: 3

Zoning: RC5

MTK 86

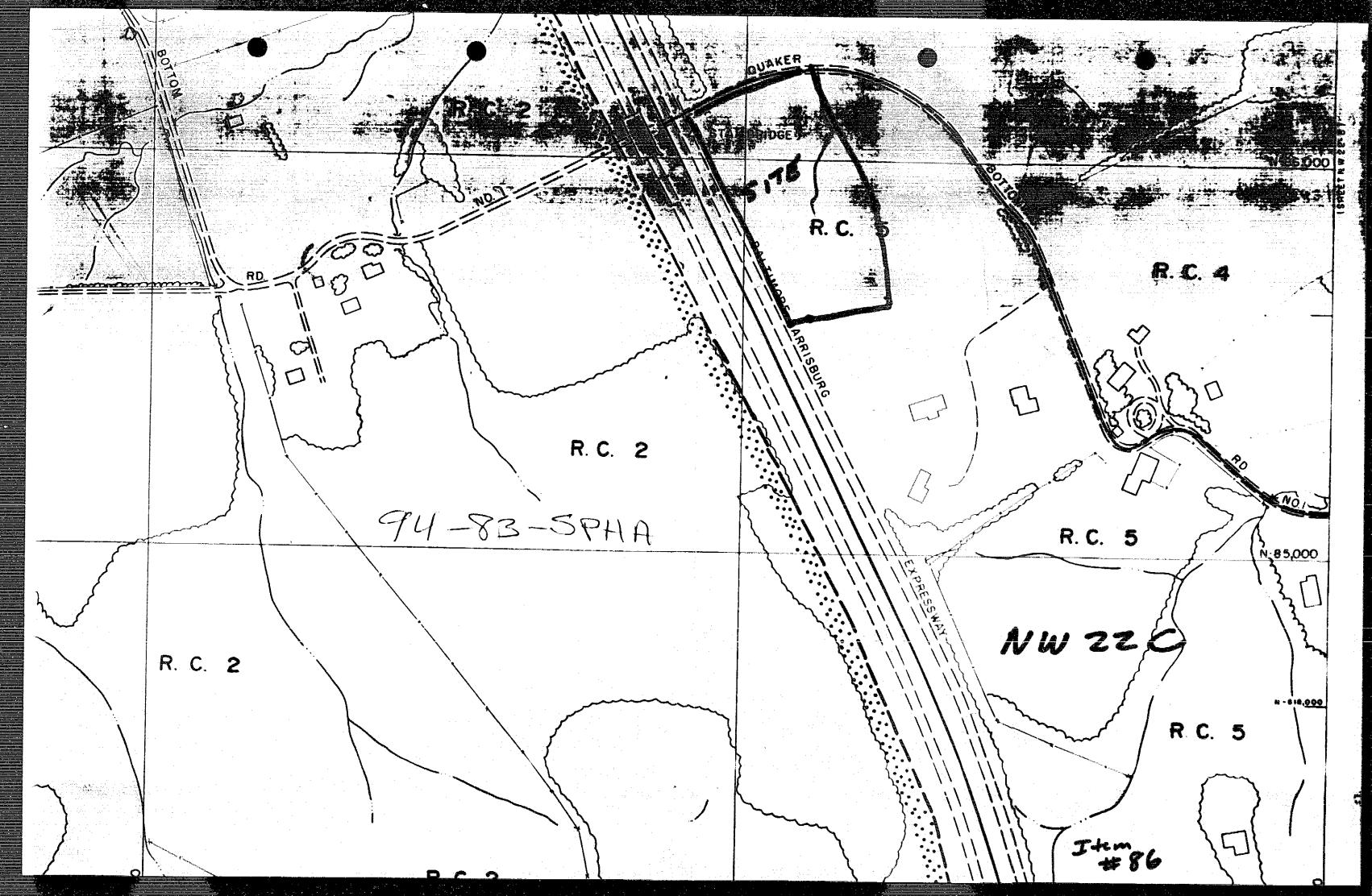
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OWNER: MICHAEL / REGINA CREAVER

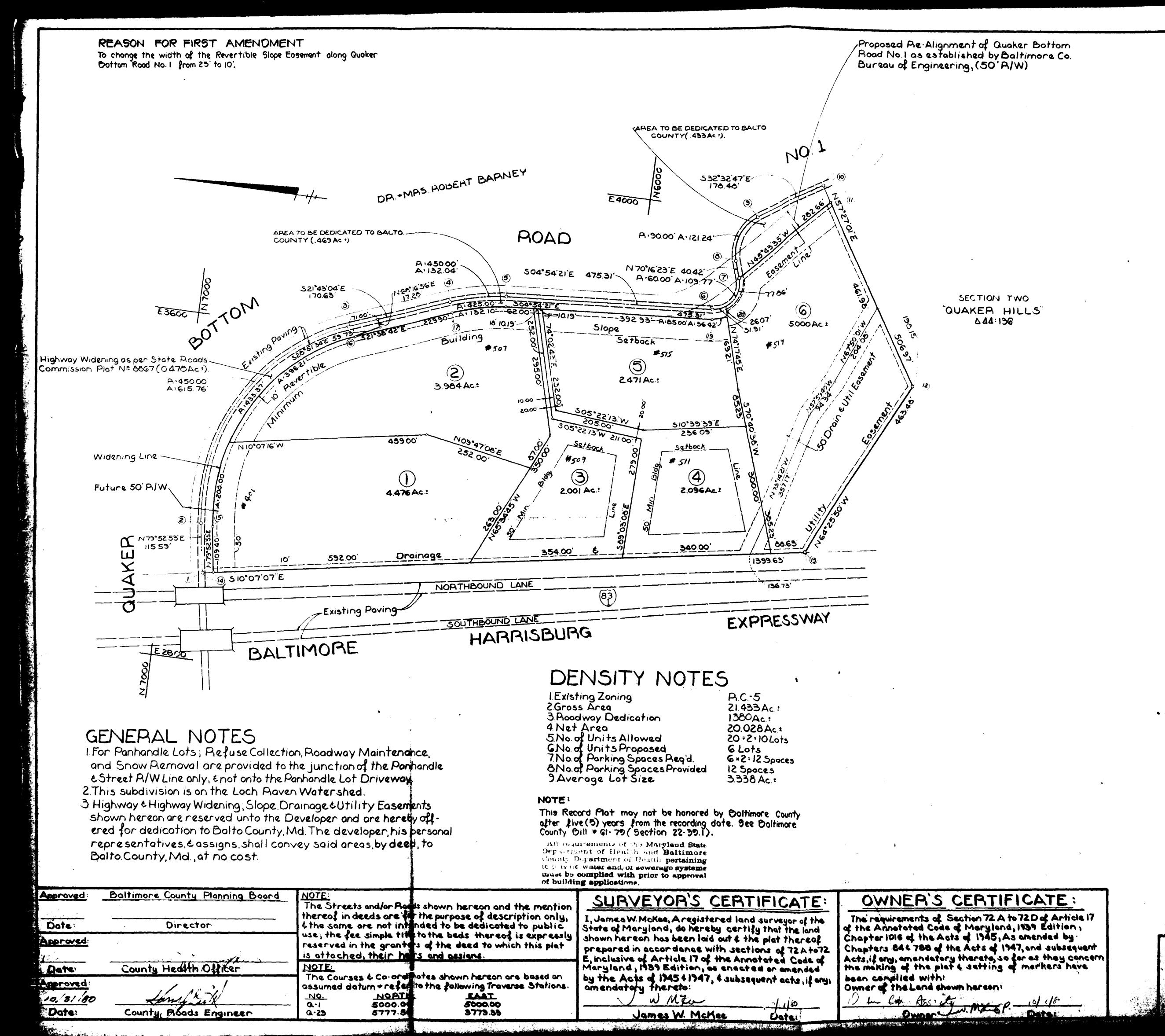
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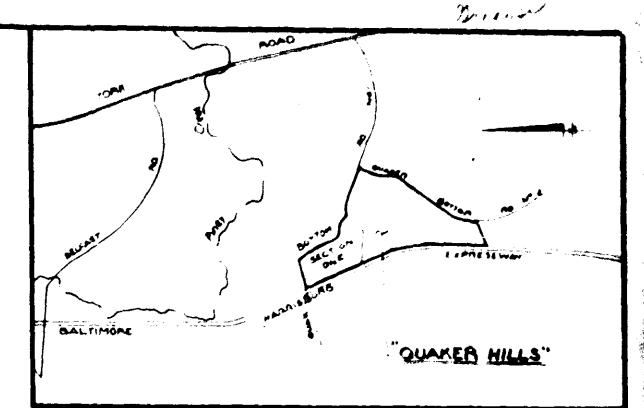
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Scale of Drawing: 1"= 100



PETITIONER(S) SIGN-IN SHEET





LOCATION MAP

Scale: 1'2000'

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74-83-5PH

FINAL SUBDIVISION PLAT

SECTION ONE QUAKER HILLS"

SCALE: 1': 100'

OCTOBER 16,1980

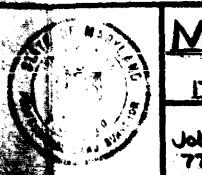
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Piled for record
Date NOV 12 1980
Tos

Fine Process Nove BHL

Fine Process CANSTO 200



MCKEE, DUVAL & ASSOCIATES, INC.

Civil Engineers & Land Surveyors

1717 York Road - Lan Lea Olda - Lutherville, Md. 21023

Scole: 1"-100' Engr. J.W.M. Drwn. G.C.S. Sht. Octob 10-16-80 Des. G.C.S. Chkid: J.W.M. 1 of